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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23409	7590	09/15/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			HECK, MICHAEL C	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,259

Applicant(s)

ZAGOTTA ET AL.

Examiner

Michael C. Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2001, 19 May and 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 31-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>14 May 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election of Group I in the replies filed on 19 May 2005 and 27 June 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The following is a First Office Action in response to the application filed 27 April 2001 and the amendments filed 19 May 2005 and 27 June 2005. Claims 1-65 are pending in this application and claims 1-30 have been examined on the merits as discussed below.

Claims 31-65 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in the replies filed on 19 May 2005 and 27 June 2005.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 325.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "470" has been used to designate both commitments and a completed descriptor.

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5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 540.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:
- On page 7, line 29, delete "units 252, 255, 260 and 270", and insert -- units 252, 255, 260, **265** and 270 --.
 - On page 8, line 22, and page 9, lines 7-8, delete "commitments 330 and 335", and insert -- commitments 330 and **325** --.
 - On page 12, lines 2-3 and line 19, reference designator 470 has two different titles, i.e., "commitments" and "completed descriptor". Please see the drawing rejection above for the same issue.

- On page 12, line 23, delete "problem descriptor 485", and insert -- problem descriptor **490** --.
- On page 12, line 24, delete "off track descriptor 490", and insert -- off track descriptor **485** --.
- On page 12, line 25, delete "hold descriptor 500", and insert -- **deferral** descriptor 500 --.
- On page 12, line 28, delete " and "hold" ", and insert -- and "**deferral**" --.

The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 16-30** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as

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opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, **claim 16** only recites an abstract idea. As to **claim 16**, the recited steps of creating a shared strategic plan and storing the same in memory, the strategic plan including a first level, a first sublevel with an inferior relationship to the first level, and a second sublevel with an inferior relationship to the first sublevel; sending a request to receive at least a portion of the shared strategic plan from one device to another; sending a user identification with the request; validating that a user associated with the user identification has permission to receive the requested portion; and transmitting the requested portion when the user identification is valid; and communicating the requested portion to the user after receiving the requested portion does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for implementing a shared strategic plan of an organization, therefore, is deemed to be directed to non-statutory subject matter.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implications of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained

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above. Looking at the claim as a whole, nothing in the body of the claim recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a shared (i.e., repeatable) strategic plan (i.e., useful and tangible).

Looking at the claims as a whole, nothing in the body of the claims recite any structure or functionality to suggest that a computer performs a task. While claim 30 recites the sending a request and communication the request portion via the Internet, this amounts to only transmitting the request where nothing is done (i.e., computing) to breathe life into the invention.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, the same rejection as stated above for claim 16 applies to **claims 17-30**.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. **Claims 1-14 and 16-29** are rejected under 35 U.S.C. 102(b) as being anticipated by Yeates et al. (WIPO Publication WO 97/31320). Yeates et al. disclose a system and method of implementing a shared strategic plan of an organization comprising:

- **[Claim 16]** creating a shared strategic plan and storing the same in memory, the strategic plan including a first level, a first sublevel with an inferior relationship to the first level, and a second sublevel with an inferior relationship to the first sublevel (p. 3, lines 16-37, p. 7, lines 27-36 and p. 13, lines 15-23, Yeates et al. teach a computer based framework which provides a fully integrated or linked approach to organizational planning. All levels of an organization are interlinked and use a consistent planning structure based on shared information. Measures throughout a plan hierarchy may be related to a common set of key results areas. Business objectives and their actions, where defined, may be linked to a common set of strategic objectives, and each objective may in turn be linked to a set of strategic objectives. Consistency is provided in communication, linking strategy, objectives and actions. The current work area provides a location for the storage of information relating to the current position of the entity.);
- sending a request to receive at least a portion of the shared strategic plan from one device to another (p. 5, lines 1-10 and 34-38, p. 10, lines 31-37 and p. 11, lines 5-25, Yeates et al. teach a network personal computer utilizing standard operating systems language and user interfaces. The computer operating in isolation or included in a network of computers. The system is capable of either enforcing or optionally sharing information in any form of operational structure. In this regard it is omni-directional and has a capacity to share and transfer information between plans. The entity database is constructed or amended only by a user having privileged access (such as a network administrator). A user is prompted, by means of the user interface, for various details on the entity.);
- sending a user identification with the request (p. 5, line 34 to p. 6, line 14, Yeates et al. teach the system has the capacity for information to be accessed through a series of security checks.);
- validating that a user associated with the user identification has permission to receive the requested portion (p. 5, line 34 to p. 6, line 14 and p. 21, line 33 to p. 22, line 1, Yeates et al. teach the system has the capacity for information to be accessed through a series of security checks. When operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can

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- include allowing or barring other users from reading or altering information contained in each relevant plan section.); and
- transmitting the requested portion when the user identification is valid (p. 5, line 34 to p. 6, line 14, Yeates et al. teach information is able to be shared securely amongst a wider range of people within the organization and for that information to be transferred within a hierarchical, matrix, linear or non-directional form.); and
 - communicating the requested portion to the user after receiving the requested portion (p. 5, line 34 to p. 6, line 14, Yeates et al. teach the system has the capacity for information to be accessed through a series of security checks. Information can be shared securely amongst a wider range of people within the organization and for that information to be transferred within a hierarchical, matrix, linear or non-directional form.).
 - **[Claim 17]** wherein creating the shared strategic plan further includes creating a vision that sets a goal for the unit, and wherein creating a strategy includes creating a statement that describes how the vision is implemented (p. 7, lines 27-36, Yeates et al. teach an advantage of the demonstration of leadership emanating from top management by clearly translating vision, mission and strategy throughout the organization. Consistency is provided in communication, linking strategy, objectives and actions.).
 - **[Claim 18]** wherein the method further comprises assigning the user to implement the strategy (p. 4, lines 15-18, Yeates et al. teach the identification of both responsibility and accountability lines for specific actions.), and
 - assigning viewer permission to the user allowing the user to receive a portion of the shared strategic plan relating to the strategy (p. 5, line 34 to p. 6, line 14, Yeates et al. teach the system is capable of either enforcing or optionally sharing information in any form of operational structure. The system has the capacity for information to be accessed through a series of security checks. Information can be shared securely amongst a wider range of people within the organization and for that information to be transferred within a hierarchical, matrix, linear or non-directional form.).
 - **[Claim 19]** wherein the requested portion of the shared strategic plan includes the strategy, the first sublevel, and the second sublevel (p. 3, lines 16-37, and p. 7, lines 27-36, Yeates et al. teach a computer based framework which provides a fully integrated or linked approach to organizational planning. All levels of an organization are interlinked and use a consistent planning structure based on shared information. Measures throughout a plan hierarchy may be related to a common set of key results areas. Business

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objectives and their actions, where defined, may be linked to a common set of strategic objectives, and each objective may in turn be linked to a set of strategic objectives. Consistency is provided in communication, linking strategy, objectives and actions.).

- **[Claim 20]** communicating an edit that changes the strategy (p. 21, lines 6-9, Yeates et al. teach multiple users can interactively edit their own plans.);
- assigning edit permission to the user when the user is assigned the strategy (p. 21, lines 33-37, Yeates et al. teach a security mechanism that allows each user to set security levels for the plan sections of their responsibility.);
- validating the user identification to ensure that the user is permitted to edit the strategy (p. 5, line 34 to p. 6, line 14 and p. 21, line 33 to p. 22, line 1, Yeates et al. teach the system has the capacity for information to be accessed through a series of security checks. When operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can include allowing or barring other users from reading or altering information contained in each relevant plan section.); and
- editing the strategy when the user identification is valid (p. 21, lines 6-9 and line 33 to p. 22, line 1, Yeates et al. teach multiple users can interactively edit their own plans. When operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can include allowing or barring other users from reading or altering information contained in each relevant plan section.).
- **[Claim 21]** creating the first sublevel includes creating a commitment that specifies an intended result for the strategy (p. 4, lines 15-18, p. 5, lines 23-33, p. 12, lines 17-24 and p. 13, lines 30-32, Yeates et al. teach the system includes the identification of both responsibility and authority lines and accountability lines for specific actions. By integrating planning, measurement and benchmarking the management of the organization is required to think and act holistically, and can adopt a culture of shared ownership and responsibility and commitment to fulfilling the potential of the organization. The plan includes, for each plan section (e.g. vision and mission), a series of work areas that need to be completed for that particular plan selection. The key results areas are defined for the limited plan sections being the strategic objectives and the business objectives.).
- **[Claim 22]** assigning the user to implement the commitment (p. 4, lines 15-18, Yeates et al. teach the system includes the identification of both

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- responsibility and authority lines and accountability lines for specific actions.) and
- assigning viewer permission to the user allowing the user to receive a portion of the shared strategic plan relating to the commitment when the user is assigned the commitment (p. 5, line 23 to p. 6, line 14 and p. 21, line 33 to p. 22, line 1, Yeates et al. teach by integrating planning, measurement and benchmarking the management of the organization is required to think and act holistically, and can adopt a culture of shared ownership and responsibility and commitment to fulfilling the potential of the organization. The system is capable of either enforcing or optionally sharing information in any form of operational structure. The system has the capacity for information to be accessed through a series of security checks. Information can be shared securely amongst a wider range of people within the organization and for that information to be transferred within a hierarchical, matrix, linear or non-directional form. When operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can include allowing or barring other users from reading or altering information contained in each relevant plan section.).
 - **[Claim 23]** wherein the requested portion of the shared strategic plan includes the strategy, the commitment, and the second sublevel (p. 3, lines 22-37, p. 5, line 23-36, p. 7, lines 27-36 and p. 12, lines 17-24, Yeates et al. teach by integrating planning, measurement and benchmarking the management of the organization is required to think and act holistically, and can adopt a culture of shared ownership and responsibility and commitment to fulfilling the potential of the organization. The system is capable of either enforcing or optionally sharing information in any form of operational structure. All levels of an organization are interlinked and use a consistent planning structure based on shared information. Measures throughout a plan hierarchy may be related to a common set of key results areas. Business objectives and their actions, where defined, may be linked to a common set of strategic objectives, and each objective may in turn be linked to a set of strategic objectives. Consistency is provided in communication, linking strategy, objectives and actions. The plan includes, for each plan section (e.g. vision and mission), a series of work areas that need to be completed for that particular plan selection.).
 - **[Claim 24]** communicating an edit that changes the commitment (p. 21, lines 6-9, Yeates et al. teach multiple users can interactively edit their own plans.);
 - assigning edit permission to the user when the user is assigned the commitment (p. 21, lines 33-37, Yeates et al. teach a security mechanism that

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- allows each user to set security levels for the plan sections of their responsibility.);
- validating that the user is permitted to edit the commitment (p. 5, line 34 to p. 6, line 14 and p. 21, line 33 to p. 22, line 1, Yeates et al. teach the system has the capacity for information to be accessed through a series of security checks. When operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can include allowing or barring other users from reading or altering information contained in each relevant plan section.); and
 - editing the commitment when the user permission is valid (p. 21, lines 6-9 and line 33 to p. 22, line 1, Yeates et al. teach multiple users can interactively edit their own plans. When operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can include allowing or barring other users from reading or altering information contained in each relevant plan section.).
 - **[Claim 25]** wherein creating the second sublevel includes creating a task that defines the work to occur for achieving the commitment (p. 4, lines 15-18, p. 5, lines 23-33, p. 12, lines 17-24, p. 13, lines 30-32 and p. 14, lines 15-19, Yeates et al. teach the system includes the identification of both responsibility and authority lines and accountability lines for specific actions. By integrating planning, measurement and benchmarking the management of the organization is required to think and act holistically, and can adopt a culture of shared ownership and responsibility and commitment to fulfilling the potential of the organization. The plan includes, for each plan section (e.g. vision and mission); a series of work areas that need to be completed for that particular plan selection. The key results areas are defined for the limited plan sections being the strategic objectives and the business objectives. For each objective, a list of actions required to achieve the objectives is provided with the ability to add, delete or edit the action information associated with the objective.).
 - **[Claim 26]** assigning the user to implement the task (p. 4, lines 15-18, Yeates et al. teach the system includes the identification of both responsibility and authority lines and accountability lines for specific actions.);
 - assigning viewer permission to the user (p. 21, line 33 to p. 22, line 1, Yeates et al. teach as a further refinement, when operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can

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- include allowing or barring other users from reading or altering information contained in each relevant plan section.); and
- allowing the user to receive a portion of the shared strategic plan relating to the task when the user is assigned the task (p. 3, lines 22-37, p. 5, line 23-36 and p. 7, lines 27-36, Yeates et al. teach by integrating planning, measurement and benchmarking the management of the organization is required to think and act holistically, and can adopt a culture of shared ownership and responsibility and commitment to fulfilling the potential of the organization. The system is capable of either enforcing or optionally sharing information in any form of operational structure. All levels of an organization are interlinked and use a consistent planning structure based on shared information. Hence, the workings of the levels of an organization are networked together as are the business unit plans and measurement procedures to be conducted with reference to the overall strategy and all other tasks being undertaken by the organization. Measures throughout a plan hierarchy may be related to a common set of key results areas. Business objectives and their actions, where defined, may be linked to a common set of strategic objectives, and each objective may in turn be linked to a set of strategic objectives. Consistency is provided in communication, linking strategy, objectives and actions.).
 - **[Claim 27]** wherein the requested portion of the shared strategic plan includes the strategy, the commitment, and the task (p. 3, lines 22-37, p. 5, line 23-36, p. 7, lines 27-36 and p. 12, lines 17-24, Yeates et al. teach by integrating planning, measurement and benchmarking the management of the organization is required to think and act holistically, and can adopt a culture of shared ownership and responsibility and commitment to fulfilling the potential of the organization. The system is capable of either enforcing or optionally sharing information in any form of operational structure. All levels of an organization are interlinked and use a consistent planning structure based on shared information. Measures throughout a plan hierarchy may be related to a common set of key results areas. Business objectives and their actions, where defined, may be linked to a common set of strategic objectives, and each objective may in turn be linked to a set of strategic objectives. Consistency is provided in communication, linking strategy, objectives and actions. The plan includes, for each plan section (e.g. vision and mission), a series of work areas that need to be completed for that particular plan selection.).
 - **[Claim 28]** communicating an edit that changes the task (p. 21, lines 6-9, Yeates et al. teach multiple users can interactively edit their own plans.);

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- assigning edit permission to the user (p. 21, lines 33-37, Yeates et al. teach a security mechanism that allows each user to set security levels for the plan sections of their responsibility.);
- validating the that the user is permitted to edit the task when the user is assigned the task (p. 5, line 34 to p. 6, line14 and p. 21, line 33 to p. 22, line 1, Yeates et al. teach the system has the capacity for information to be accessed through a series of security checks. When operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can include allowing or barring other users from reading or altering information contained in each relevant plan section.); and
- editing the task when the user permission is valid (p. 21, lines 6-9 and line 33 to p. 22, line 1, Yeates et al. teach multiple users can interactively edit their own plans. When operating in a multi-user environment, there is provided a security mechanism that allows each user to set security levels for the plan sections of their responsibility. This can include allowing or barring other users from reading or altering information contained in each relevant plan section.).
- **[Claim 29]** wherein the shared strategic plan includes a third sublevel with an inferior strategy to the second sublevel, the third sublevel having a task (p. 3, lines 22-37, p. 5, line 34-36, p. 7, lines 27-36, p. 12, lines 17-24, p. 13, lines 30-32 and p. 14, lines 15-19, Yeates et al. teach the system is capable of either enforcing or optionally sharing information in any form of operational structure. All levels of an organization are interlinked and use a consistent planning structure based on shared information. Measures throughout a plan hierarchy may be related to a common set of key results areas. Business objectives and their actions, where defined, may be linked to a common set of strategic objectives, and each objective may in turn be linked to a set of strategic objectives. Consistency is provided in communication, linking strategy, objectives and actions. The plan includes, for each plan section (e.g. vision and mission), a series of work areas that need to be completed for that particular plan selection. The key results areas are defined for the limited plan sections being the strategic objectives and the business objectives. For each objective, a list of actions required to achieve the objectives is provided with the ability to add, delete or edit the action information associated with the objective).

Claims 1-14 substantially recite the same limitations as that of claims 16-29 with the distinction of the recited method being a system. Hence the same rejection for claims 16-29 as applied above applies to claims 1-14.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 15 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeates et al. (WIPO Publication WO 97/31320) in view of APQC (APQC, Strategic Planning: What works... and What Doesn't, American Productivity and Quality Center, October 1998 [GOOGLE]). As to claim 30, Yeates et al. disclose a system and method of implementing a shared strategic plan of an organization but fail to teach wherein the sending a request and communicating the request portion are via the Internet. APQC teach Austin Energy developed an online, Internet-based system call COMPASS to capture the action plans. It consists of a series of screens that allow you to navigate through an action plan, its tie to the strategy and the goals, who's working on it, the status of the project, and what the expected benefits are once completed (p. 24, para 5-6). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the network of computers of Yeates et al. (p. 5, lines 3-4) with the Internet capability of APQC to reduce cost and enhance communication by

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integrating the strategic plan with the everyday goals and action that are key to realizing the performance goals of the company. Yeates et al. teach an improved form of performance measurement and planning system through the integration of organizational plans and performance measures so as to provide a substantial synergistic effect (p.2, line 36-p.3, line 2). APQC teach that perhaps the most important benefit of performance measurement systems is that performance measurement allows an organization to express the intent of its strategy and how that strategy connects with everyday operations (p. 12, para 1). Both Yeates et al. and APQC are addressing strategic planning and integrating the plans and measures, therefore there is a motivation or suggestion to combine; there is a reasonable expectation of success since APQC connects the network of computers via the Internet; and all the features of the claimed invention are taught or suggested by the combination of Yeates et al. and APQC.

Claim 15 substantially recites the same limitations as that of claim 30 with the distinction of the recited method being a system. Hence the same rejection for claim 30 as applied above applies to claim 15.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Asplen, Jr. (U.S. Patent 6,044,354) discloses a computer-based product planning system.

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- Miller (U.S. Patent 6,101,481) discloses a task management system.
- Abulleil et al. (U.S. Patent Application Publication 2001/0027455) disclose a strategic planning system and method.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael C. Heck whose telephone number is (571) 272-6730. The Examiner can normally be reached Monday thru Friday between the hours of 8:30am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 273-6729.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Or faxed to:

(571) 273-8300	[Official communications; including After Final communications labeled " Box AF "]
(571) 273-6730	[Informal/Draft communication, labeled " PROPOSED " or " DRAFT "]

Mch
mch

9 September 2005


**TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**